

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NEXT Payment Solutions, Inc.,

Plaintiff,

v.

CLEAResult Consulting, Inc.,

Defendant.

Case No. 17 CV 8829

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE AUGUST 8, 2019 TRIAL DATE**

Defendant, CLEAResult Consulting, Inc., and Plaintiff, NEXT Payment Solutions, Inc., by and through their undersigned counsel, jointly submit this Stipulation and Proposed Order to Continue the currently-scheduled August 8, 2019 trial date and to set a final pretrial conference.

WHEREAS, the parties completed briefing related to CLEAResult's pending motion for partial summary judgment on July 5, 2019. (Dkt. Nos. 333, 334, 355, and 378.)

WHEREAS, CLEAResult's pending motion for partial summary judgment seeks to dismiss NEXT's claim for misappropriation under the Defend Trade Secrets Act ("DTSA") and to prohibit NEXT from introducing evidence of any alleged trade secret at trial. (*See* Dkt. Nos. 334, 378.)

WHEREAS, on June 19, 2019, the Court granted CLEAResult's motion to set aside deadlines related to the pretrial order and motion in limine and struck the pretrial order and motion in limine filing date of July 9, 2019 and the pretrial conference set for July 10, 2019. (Dkt. No. 353.) The Court, however, kept the commencement of trial as August 8, 2019.

WHEREAS, in order to allow time for the Court to rule on the pending summary

judgment motion, and the parties to prepare accordingly for trial, the August 8, 2019 trial date should be vacated and the final pretrial conference should be set to a date seasonably after a decision on the summary judgment motion.

WHEREAS, NEXT has withdrawn its motion to set deadlines related to pretrial order and motions in limine and to set pretrial conference. (Dkt. No. 398.)

WHEREAS, this Court has “a wide berth to manage caseloads and dockets” and therefore its “discretion in scheduling trials and granting or denying continuances is almost standard less.” *Ruark v. Union Pac. R.R. Co.*, 916 F.3d 619, 630 (7th Cir. 2019).

WHEREAS, having met and conferred with the goal of conserving both the Court’s and the parties’ resources, the parties have reached the following stipulation and agreement with regard to the trial in this case.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties that:

1. The final pretrial conference be set for sixty (60) days after the Court’s ruling on CLEAResult’s pending motion for partial summary judgment (Dkt. No. 333).
2. The trial set to begin on August 8, 2019 be vacated and continued until a date preferred by the Court.

STIPULATED AND AGREED:

Dated: July 23, 2019

By: s/ Devan v. Padmanabhan

Devan V. Padmanabhan (admitted pro hac vice)
Michelle E. Dawson (admitted pro hac vice)
Britta S. Loftus (admitted pro hac vice)
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By: s/ J. Matthew Donohue

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*Attorneys for Defendant
CLEAResult Consulting Inc.*

ORDER

Based on the above stipulation, and good cause appearing, the stipulated motion is
GRANTED.

Dated:

By: _____
Hon. Rubén Castillo

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing STIPULATION AND [PROPOSED] ORDER to be served on the following person[s]:

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by the following indicated method or methods:

☒ by CM/ECF electronically mailed notice from the Court on the date set forth below.

DATED July 23, 2019.

s/ J. Matthew Donohue

J. Matthew Donohue